

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CHARLES RUMA,

Plaintiff,

vs.

**Civil Action 2:09-cv-00121
Judge Algenon L. Marbley
Magistrate Judge E. A. Preston Deavers**

DAVID SHASHURA, *et al.*,

Defendants.

ORDER

This matter is before the Court for consideration of the October 18, 2010, Report and Recommendation of the Magistrate Judge (Doc. 34). The Magistrate Judge recommended that the Court grant the Motion of Plaintiff Charles Ruma and Third-Party Defendant Joseph Sugar, Jr. for Default and/or Dismissal (Doc. # 62) and that default be entered against Defendants David and Diane Shashura and their Third-Party Complaint be dismissed.

The Report and Recommendation of the Magistrate Judge specifically advises parties that the failure to object to the Report and Recommendation within fourteen days of the Report results in a “waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court.” (Doc. # 62 at 11). The time period for filing objections to the Report and Recommendation has expired. Defendants have not objected to the Report and Recommendation.

The Court reviewed the Report and Recommendation of United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred. Noting that no objections have

been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. Accordingly, the Court **GRANTS** the Motion of Plaintiff Charles Ruma and Third-Party Defendant Joseph Sugar, Jr. For Default and/or Dismissal (Doc. # 62). The Court **DIRECTS** the Clerk to enter **DEFAULT** against Defendants, David and Diane Shashura, on Plaintiff Ruma's claims against them. Additionally, the Shashura Defendants' Third-Party Complaint against Third Party Defendant Joseph Sugar is **DISMISSED** for failure to prosecute.

The Clerk is **DIRECTED** to send a copy of this Order to the Shashuras by email at wynnmore@aol.com.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE